

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

JOHN RODRIGUEZ, JENNIFER
WORTHINGTON, BOBBY CROUTHER,
JESUS CONCHAS and ROSA MARIA
CONCHAS, on behalf of themselves and all
others similarly situated,

Plaintiffs,

v.

No. 08-CV-02059 (ER)

NATIONAL CITY BANK, NATIONAL CITY
CORP. and DOES 1-10, inclusive,

Defendants.

**DEFENDANTS NATIONAL CITY BANK'S AND
NATIONAL CITY CORPORATION'S MOTION TO DISMISS/STRIKE**

Pursuant to Federal Rule of Civil Procedure 12(b)(6) and (f), Defendants National City Bank and National City Corporation (collectively, "Defendants") move to dismiss/strike the Complaint of Plaintiffs John Rodriguez, Jennifer Worthington, Bobby Crouther, Jesus Conchas and Rosa Maria Conchas (collectively, "Plaintiffs"). In support of their Motion, Defendants submit contemporaneously herewith their Memorandum of Law setting forth the reasons why Plaintiffs' Complaint should be dismissed and/or stricken.

WHEREFORE, Defendants National City Bank and National City Corporation respectfully request that this Court:

- A. Grant their Motion to Dismiss/Strike; and

B. Award them any additional relief in their favor which is appropriate and just.

Respectfully submitted,

By: /s/ Peter J. Boyer

Peter J. Boyer
McCarter & English, LLP
Mellon Bank Center
1735 Market Street, Suite 700
Philadelphia, Pennsylvania 19103
(215) 979-3800

Of Counsel:

Diane M. Kehl
Chad A. Schiefelbein
Sarah R. Breitlander
Vedder Price P.C.
222 North LaSalle Street, Suite 2600
Chicago, Illinois 60601-1003
(312) 609-7500

Attorneys for Defendants National City Bank and
National City Corporation